

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GARY KEMP,

Petitioner,

-against-

KEVIN McCARTHY,

Respondent.

1:24-CV-0504 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

The Court directs the Clerk of Court to file the original petition in this action as the second amended petition in *Kemp v. Noeth*, 1:20-CV-9121 (RA) (SN) (S.D.N.Y.). The Court also directs the Clerk of Court to administratively close this action. Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: March 4, 2024  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge